

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA §
 §
VS. § CRIMINAL NO. 4:11-CR-096-Y
 §
JUAN CARLOS FERRER (1), ET AL. §

ADVISORY OF THE COURT

In the case captioned above, the Court notes that many of the defendants have entered into an agreement for a specific sentence under Federal Rule of Criminal Procedure 11(c)(1)(C). Following are the procedures that the Court will observe as to those defendants, their presentence reports, and their sentencing hearings:

(1) If the presentence report recommends that the plea agreement be rejected or notes that the agreed sentence would undermine the statutory purposes of sentencing, the parties must file any objections they may have **to that recommendation only** within the time limits set out in the Court's previously issued sentencing scheduling order. The parties will be deemed to have reserved any objections to the presentence report's rendition of the offense conduct, the offense level computations, the defendant's criminal history, offender characteristics, and sentencing options.

(2) If the Court accepts a recommendation in the presentence report that the plea agreement be rejected or for any other reason rejects the plea agreement, the defendant will have two options. He may:

(a) Withdraw his plea, enter a plea of not guilty, receive a trial date sufficiently delayed to allow adequate preparation for trial, and either go to trial or negotiate a new plea agreement; or

(b) Proceed upon his plea of guilty, in which case the sentencing hearing will be continued for a period sufficient to allow the parties to file all reserved objections and to file responses thereto, and for the probation officer to file an addendum to the presentence report responding to those objections.

(3) If the presentence report neither recommends that the plea agreement be rejected nor notes that the agreed sentence would undermine the statutory purposes of sentencing, the parties may rely on the Court's acceptance of the plea agreement and its being

bound by the agreement as to a specific sentence.¹ Accordingly, no objections to the presentence report should be filed other than objections to statements and findings that may impact conditions of incarceration or relate to education or treatment while incarcerated.

SIGNED December 14, 2011.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

¹Were the Court, nevertheless, to reject the plea agreement, the Court would proceed as set out in (2), above.